

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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B. I. AN INFANT UNDER THE AGE OF 18 YEARS, BY HIS
NATURAL FATHER,
ARTHUR ISKHAKOV,

PLAINTIFFS

-AGAINST-

COMPLAINT

CHAZAQ ORGANIZATION USA INC.
STEVEN SAPHIRSTEIN,

DEFENDANTS

JURY TRIAL DEMANDED

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Plaintiff's by and through their Attorneys Martin Druyan and Associates Attorneys as and for
their verified complaint state and allege as follows.

JURISDICTION

1. This Court has jurisdiction of this action as it alleges violations of Title VII of the United States Code, 42 U.S. Code (U.S.C hereafter) Subv. Vi, 42 U.S.C. s. 21, 2000e 1-17 Civil Rights Act, Ch. 21 Equal Employment Opportunity Commission; Sec. 1981 U.S.C. Sect. 703 Title VII, Title 29 Part 38 Labor, 45 Code Fed. Reg. Labor sect 73,.735, 306 Sexual Harassment Prohibited, Title 29 Code Fed. Reg. Labor, EEOC Labor sect 1604.11 et al related statutes as Plaintiff alleges employment discrimination, sexual assault, and sexual harassment as an employee against the employer and supervisor.

2. Plaintiff received a U.S. E.E.O.C. Notice of Right To Sue letter on April 22, 2020, charge 520 -2020 0081, to be annexed hereto.
3. A Jury trial is demanded as to all issues pursuant to FRCP R. 38

PARTIES

4. Plaintiff B.I. is an infant under the age of 18 residing at 71-09 Vleigh Pl., Queens N.Y. 11367
5. Plaintiff Arthur Ishkhakov is the natural father and guardian of B.I. residing at 71-09 Vleigh Pl., Queens N.Y.
6. Chazaq Organization USA Inc. is a New York State domestic corporation organized and registered pursuant to the laws of the State of New York, doing business at 114-24 Jewel Ave, Queens, N.Y. 11367, (Chazaq) hereinafter.
7. Stephen Saphirstein is and was an employee of Chazaq located at 114-24 Jewel Ave, Queens N.Y., 11367, a supervisor of the Plaintiff.

FACTS ALLEGED

8. Plaintiff B.I. an infant in 2019 was a student in the City of New York.
9. In 2019 Plaintiff B.I. was referred to Chazaq to work as an summer youth employee by the schools or counselors employed by the City of New York, The New York City Department of Education a/k/a known as the New York City Board of Education, in 2019.
10. Upon information and belief in 2019 the Defendants along with the City of New York, the New York City Dept . of Education, a/k/a the New York City Board of Education

failed to comply with their obligations pursuant to law to Plaintiffs, to the infant Plaintiff as an employee of Chazaq, as alleged with specificity herein, and failed to provide for the physical safety, well being and best interest of Plaintiff B.I. , that Plaintiff be free of sexual harassment and assault at Chazaq.

11. Said Defendants and entities in 2019 further failed to vet, qualify, Chazaq as a proper and safe summer employment program, employer, school, activity center, failed to take steps to prevent the sex harassment and assault described herein, failed to monitor, supervise qualify, Chazaq and its employees to comply with all civil and criminal laws, including but not limited to the U.S., N.Y.S. and N.Y.C. laws that exist to prevent and prohibit sexual assault and sex discrimination, and sex harassment upon Chazaq employees including Plaintiff B.I. as alleged herein
12. Said Defendants and entities in 2019 further failed to supervise, watch, visit, monitor, prevent, qualify, teach, demand reports and pay attention to Chazaq to have educational programs and instructions, posters, seminars, so that the sexual harassment and sexual assault upon Plaintiff B.I. would not occur and be prevented.
13. Said Defendants and entities in 2019 further failed to observe, teach, have seminars, lessons and posters, paper handouts, courses and materials and discussions, programs, instruct Chazaq and it's employees including Defendant Saphirstein, in its obligations pursuant to U.S., N.Y.S., and N.Y.C. law that seek to prevent and avoid sex harassment and assault, at Chazaq as employer
14. In about June and July 2019 Plaintiff B.I. applied and was then was employed at Chazaq as a summer youth employee.

15. On and about July 9, 2019 Defendant Sapherstein was employed as a youth employee supervisor at Chazaq. where he supervised Plaintiff B.I. as an employee
16. On July 9 2019 Plaintiff B.I. during the course of his youth employment was seated in an auto in front of Chazaq with supervisor Def. Saphirstein.
17. At that time on July 9, 2019 Def. Saphirstein touched physically Plaintiff B.I. without B.I.'s consent, touching and rubbing B.I.'s shoulder and stomach.
18. At that time and place and location Def. Saphirstein then attempted to touch Plaintiff B.I.'s penis over his clothes, with B.I. successfully able to push Saphirstein's hand away each time.
19. Plaintiff B.I. then told Saphirstein to "stop touching " him, and to stop attempting to touch his penis,
20. Defendant Saphirstein at said time and place asked the Plaintiff B.I. if he "could come in his ass".
21. These facts and incident alleged herein were reported to the N.Y.C. Police Department which arrested the Defendant Saphirstein.
22. Upon information and belief those criminal charges are presently pending against Defendant Saphirstein.

CAUSES OF ACTION

23. Based upon the above facts Plaintiffs assert the following causes of action:

FIRST ACTION

24. Plaintiffs states a cause of action for unlawful sex harassment as an employee prohibited by an employer or supervisor pursuant to 42 U.S. Code (U.S.C hereafter) Subv. Vi, 42 U.S.C. s. 21, 2000e 1-17 Civil Rights Act, Ch. 21 Equal Employment Opportunity Commission; Sec. 1981 U.S.C. Sect. 703 Title VII, Title 29 Part 38 Labor, 45 Code Fed. Reg. Labor sect 73,.735, 306 Sexual Harassment Prohibited, Title 29 Code Fed. Reg. Labor, EEOC Labor sect 1604.11 et al related statutes.

SECOND ACTION

25. Plaintiffs claims and appends the New York State Statute McKinneys 201g Labor Law, N.Y.S. Executive Order 19 Workforce Investment Act 1998. , et al prohibiting employer sexual harassment of employees, mandating steps and actions to prevent such sex harassment.

THIRD ACTION

26. Plaintiffs claims and appends the New York City Title 18 Administrative Code, NYC Local Law 95, Sect. 107.1 victims (96) 2018, et al prohibiting employer sexual harassment of employees, mandating steps and actions to prevent such sex harassment.

FOURTH ACTION

27. Plaintiffs claims and appends the common law New York State laws creating actions at law for assault, battery, negligence, prima facie tort, sexual assault, unlawful touching.

DAMAGES ALLEGED

28. Plaintiff claims statutory damages, all lawful punitive damages, costs, attorney fees and disbursements and interest pursuant the U.S., N.Y. S., and N.Y.C. statutes, codes, regulations stated and cited above.
29. In addition to the statutory damages and remedies alleged and claimed herein, Plaintiff claims as common law damages pursuant to all the New York State claims stated above, as the result of the Defendants actions, negligence, omissions, and failures, the unlawful touching and sex assault, described herein. Those damages are stated supra and infra including all lawful punitive, exemplary damages, and compensatory damages
30. As damages in all actions asserted in this complaint , Plaintiff B.I. has suffered the following permanent physical and mental injuries and damages including but not limited to: Physical, emotional, psychiatric and mental distress and alarm, physical illness, trauma, being upset, loss of sleep, unhappiness, that have diminished Plaintiff's ability to work as a student, learn, enjoy life, socialize, meet age milestones socially and academically, embarrassment, issues as to sexual identity and wellness, have a family and children, right to enjoy life, and has suffered adverse school consequences as the result of the actions of the Defendants, diminished ability to

achieve and study in school, a lost and diminished ability to obtain degrees, to have a professional career, be admitted to college and graduate school, so that his lifelong earning capacity is diminished.

31. As damages in all actions herein, Plaintiffs B.I. and Ishhakov have been required to spend monies and to seek medical treatment and all manner of therapy for Plaintiff's permanent injuries and damages in the past, present and future as a result of the actions of the Defendants as alleged herein.

CERTIFICATION AND CLOSING

32. Under F.R.C.P. 11 by signing below I certify to the best of my knowledge, information and belief that this complaint 1. is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation, 2. Is supported by existing law or by non frivolous argument for extending modifying or reversing existing law, 3. The factual contentions have evidentiary support, or if specifically so identified will likely have evidentiary support after a reasonable opportunity for further investigation, or discovery, and 4. The complaint otherwise complies with the requirements of Rule 11.

Date of Signing : April 24, 2020

S/MARTIN DRUYAN ESQ.

MARTIN DRUYAN ESQ. , NYS 1172188

MARTIN DRUYAN AND ASSOCIATES ATTORNEYS

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